

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

BARRY M. JENKINS,

Petitioner,

v.

Case No. 09-C-361

DENISE SYMDON,
Wisconsin Department of Corrections,
Division of Community Corrections

Respondent.

ORDER

On April 6, 2009, the petitioner, who is proceeding pro se, filed a petition for a writ of habeas corpus. The respondent then filed a motion for summary judgment. The petitioner failed to file a response to the respondent's motion despite being given additional opportunities to do so. Therefore, on November 24, 2009, the court dismissed the action for failure to prosecute.

On April 6, 2011, after the petitioner filed two applications for reinstatement of his petition, this court issued an order reinstating the petitioner's petition for a writ of habeas corpus. In that order, the court directed the petitioner to file a response to the respondent's motion for summary judgment by May 23, 2011. No responsive brief was filed.

Subsequently, the court was advised that the petitioner had been released from Green Bay Correctional Institution and was residing at a new address. Therefore, the court gave the petitioner additional time to June 30, 2011, to file a brief. The petitioner again was advised that if he failed to file a response to the respondent's motion by June 30, 2011, the action would be dismissed with prejudice for lack of diligence in prosecuting this case pursuant to Civil Local Rule 41(c) (E.D. Wis.). No response to the pending motion has been filed to date.

Considering the history of this action and the petitioner's repeated failures to file a response to the respondent's motion despite being given a number of opportunities to file a response, it appears that the petitioner is no longer interested in prosecuting this action. Accordingly, the court finds that this action should be dismissed with prejudice.

NOW, THEREFORE, IT IS ORDERED that this action be and hereby is **dismissed with prejudice** for failure to prosecute.

IT IS FURTHER ORDERED that the clerk of court shall enter judgment accordingly.

Dated at Milwaukee, Wisconsin this 11th day of July, 2011.

BY THE COURT:

s/Patricia J. Gorence
PATRICIA J. GORENCE
United States Magistrate Judge